

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 17 2006

JOE N. CHATMON,

Plaintiff - Appellant,

v.

M. FREEMAN; et al.,

Defendants - Appellees.

No. 05-15327

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

D.C. No. CV-03-01637-VRW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Vaughn R. Walker, District Judge, Presiding

Submitted April 5, 2006**

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Joe N. Chatmon, a California state prisoner, appeals pro se from the district court's judgment in favor of defendants in his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs stemming from a foot injury.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's grant of summary judgment, *Morrison v. Hall*, 261 F.3d 896, 900 (9th Cir. 2001), and we affirm.

The district court properly granted summary judgment for defendants because Chatmon failed to raise a genuine issue of material fact as to whether he suffered from a serious medical condition. *See McGuckin v. Smith*, 974 F.2d 1050, 1059 (9th Cir. 1992), *overruled on other grounds, WMX Techs., Inc. v. Miller*, 104 F.3d 1133 (9th Cir. 1997) (en banc).

Chatmon's motion for injunctive relief is denied as moot.

AFFIRMED.